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# THE NATURE OF TEACHER AUTONOMY

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Abstract

Many contemporary efforts to reform teaching emphasize increased professionalism and autonomy for teachers. This article examines whether, from a liberal perspective, these emphases are morally and politically legitimate. It sets forth conditions that a legitimate claim for autonomy and professional status must meet, considers the extent to which teaching satisfies those conditions, and articulates a justified conception of teacher autonomy in a liberal society.

# THE NATURE OF TEACHER AUTONOMY[1]

One of the major objectives and attractions of the current movement to professionalize teaching lies with its apparent commitment to providing genuine professional autonomy for teachers.[2] On the one hand, such autonomy is the primary vehicle through which the proposed reforms of teacher preparation and qualification are to have their claimed salutary effects upon education. Those reforms, it is asserted, will create a cadre of teachers who are qualified and can be trusted to exercise the best professional judgment in the instruction of the young. On the other hand, the opportunity to exercise such judgment will, it is believed, provide an important incentive for talented individuals to submit themselves to the rigors of the reformed preparation programs and to commit themselves to long-term careers in teaching. Thus, teacher autonomy is instrumentally significant to the improvement of education promised by the teacher professionalization movement in two ways: It is the means by which genuine expertise can be brought to bear on the problems of instruction, and it provides an important source of motivation for the new breed of teachers.

But the notion of teacher autonomy is a good deal more than instrumentally related to the success of the teacher professionalization movement, for the capacity to act autonomously seems to be at least part of what makes a teacher worthy of recognition as a professional. In short, teacher autonomy is apparently inherent in the very nature of the professional teacher. Thus, the

achievement of teacher autonomy is necessary to the professionalization movement's capacity not only to produce its promised effects upon the quality of instruction and the supply of teachers but also to deliver teachers who are recognizably professional.

As these teaching reform efforts move beyond the stage of public exhortation, then, it becomes increasingly important to explore, develop, and think critically about the meaning of this central objective. As opportunities to shape the institutions which prepare and certify teachers and in which they work become realized, the need for a clear, detailed, and justifiable conception of teacher autonomy becomes imperative. The purpose of this paper is to contribute to the generation of such a conception by focusing on the ethical and ideological issues implicit in the general notion of autonomy.

## The Ideological Foundations of Autonomy

My purpose here is to begin to construct a morally legitimate conception of autonomy for teachers. Such a conception must be based in part upon the realities of teaching--what teaching means, what we know about the empirical effects of instructional practices, what the social context of teaching is, and so on. At the same time, however, it is important to consider what basic social and political justification for recognizing a sphere of teacher autonomy might be available. Against this background, the moral relevance of the realities of teaching will become apparent.

In the search for such a justification, I will start from a contemporary account of liberal social and political theory. Though I offer no systematic justification of this theory here, it

is, I believe, a useful starting place because it represents an important element in the intellectual and moral traditions in which our social institutions operate and because several contemporary philosophers have articulated persuasive, if different, defenses of it.[3]

At the heart of modern liberal theory is a commitment to facilitate the realization of each person's vision of the good life, whatever that vision turns out to be.[4] This commitment requires a liberal society to establish the conditions under which each person may pursue his or her own view of the good effectively. Traditionally, the freedom to act as one's view of the good dictates is one of the social conditions thought to follow from the basic liberal commitment. Because, however, individuals' views of the good may differ, one person's acting freely in pursuit of her good may impede another's freedom to pursue his good. Since liberalism is committed to all persons' pursuit of their goods, any liberal theory must include an account of the morally legitimate limits of each person's freedom.

Liberal theorists have employed two general presumptions in their attempts to describe these justifiable limits on individual freedom: that the limits on freedom ought in general to apply to all equally and that the freedom one enjoys ought to depend in general upon one's ability to use that freedom in a way that does not unreasonably impair others' chances to pursue their goods. The presumption of equality follows from a liberal society's commitment not to prefer one view of the good over another. The presumption of reasonable use follows from a liberal society's

commitment to facilitate all persons' pursuit of their goods. This second presumption is of special note because it distinguishes between license, the freedom to act in any way one pleases regardless of the moral quality or consequence of one's action, and autonomy, the freedom to act reasonably or rationally.

Sometimes these two presumptions clearly pull in the same direction. If some freedoms--such as, perhaps, the freedom to kill another person--either cannot or will not, given the general level of competence in a society, be used reasonably, those freedoms may be denied equally to all members of the society. Conversely, those freedoms--such as, perhaps, the freedom to hold religious beliefs--that cannot or will not be used unreasonably may be extended equally to all members of society. These two presumptions can be thought of as defining, at least in part, the general sphere of autonomy that is to be guaranteed to and protected for each member of a particular liberal society.

These presumptions, however, can be at odds with the basic goal of a liberal society or with one another. Certain freedoms, on the one hand, may be important means to the realization of individuals' visions of the good but, on the other hand, either cannot or will not be exercised reasonably by all members of a society. To grant or deny these freedoms to all members of society would violate the presumption of reasonable use. To grant these freedoms only to those who will exercise them reasonably would violate the presumption of equality. Since these presumptions are not fundamental commitments of a liberal society, they may be overridden in order to secure what is fundamental to

liberalism--the facilitation of all persons' pursuit of the good life. But because these presumptions are derived from and represent important dimensions of the fundamental liberal commitment itself, the justification for overriding them must be clear and compelling. Even when a clear case for overriding these presumptions exists, it is important to determine which presumption should be sacrificed and how the liberal value represented by that presumption can be preserved by alternative means.

There are two broad categories of freedoms in which these presumptions are problematic. The first might be called self-defeating freedoms, freedoms the equal exercise of which by all members of society frustrates the very purpose of the freedoms themselves. The freedom to enforce one's own sphere of general autonomy is often argued to fall into this self-defeating category.[5] All persons have a legitimate interest, based upon their visions of the good life, in defending their general freedoms against those who might violate or usurp them. If, however, each person were granted the freedom to defend those general freedoms, they would, it is argued, enjoy little if any real security against violation or usurpation. In other words, the social chaos that might result from each person's having the freedom to be his or her own police force, judge, jury, and executioner would militate against the very security of the person that that freedom is supposed to promote. If so, the freedom of self-defense would be self-defeating.

Similarly, modern economists have argued that giving all

individuals the freedom to pursue certain economic goods, what are called public goods, may actually prevent individuals from securing those goods.[6] A lighthouse is the classic example of such a public good. Once a lighthouse has been built, its use cannot be denied to anyone. In a free market, each person can reason that paying a share of the cost of building the lighthouse would not enhance the benefit he or she would receive from its construction. Because each can reason in this way, no one will voluntarily pay a share, and the lighthouse will not be built. Thus, the individual freedom to participate in the market for lighthouses is self-defeating since it frustrates the very purpose of that freedom -- the erection of individually and collectively cost-beneficial lighthouses.

When a freedom is self-defeating in this way, the presumptions of equality and reasonable use appear to be inappropriate even if each member of society is individually able to exercise that freedom reasonably. Either granting or denying that freedom to all equally would impede individuals' pursuit of their visions of the good.

The second category of problematic freedoms might be called risk-laden freedoms, freedoms to engage in actions that may or may not unreasonably impair others' chances to pursue their goods, depending upon the manner and circumstances in which the actions are taken. Although most human freedoms might qualify as risk-laden in this sense, the freedom to perform surgery on another human being is an especially salient example. In the current state of medical technology, surgery can be an effective means by

which both the surgeon and the patient can pursue their visions of the good. Successful surgery depends, however, upon levels of skill and knowledge not found in the general population. Here the presumption of equality appears to be inappropriate. To deny the freedom to perform surgery to all persons would be to forego a potentially significant means of self-fulfillment for many individuals. To grant such a freedom to all, however, may authorize many surgically incompetent individuals to harm others, perhaps irremediably. Equal denial and equal recognition of this freedom both clearly conflict with the presumption of reasonable use.

There are, therefore, reasons both to permit the exercise of self-defeating and risk-laden freedoms and to reject the presumption of equality for those freedoms. To meet these problems, a liberal society may establish institutions that enable some but not all members of society to exercise those freedoms. Let us briefly consider what sorts of institutions might be appropriate to this end and what ethical principles should govern those institutions.

## Self-Defeating Freedoms

To deal successfully with self-defeating freedoms a liberal society must overcome an embarrassment of riches. These freedoms must be restricted in order to allow certain conditions necessary to the fulfillment of persons' visions of the good to be achieved. However, the number of individuals who are competent to exercise that freedom exceeds the number required to achieve the goal of a liberal society.

To solve this problem, a liberal society may create a public

office and a procedure whereby that office may be filled from among those qualified to fill it. The office-holder, then, would be permitted to exercise the otherwise self-defeating freedom in the interests of achieving the purpose of the office. A restricted freedom of this sort is a kind of power over other members of the society since it invests some individuals with the ability to grant or withhold conditions necessary to the fulfillment of others' goals. The danger, of course, is that the office-holder may abuse the freedom he or she has been granted. Whether a liberal society can solve the problem of a particular self-defeating freedom depends upon whether it can devise a procedure for filling a public office that is likely to serve the specific purpose of the freedom in question. There is no reason to suppose that all such problems are indeed soluble, but there is a large number of different office-filling procedures that a liberal society has at its disposal.

Of course, democratic election is the procedure that springs immediately to mind. Election provides a means whereby non-officeholders can consent directly to an officeholder's exercising particular restricted freedoms and can withdraw their consent if they believe the freedom to have been abused. Election is, however, a relatively costly procedure and, therefore, potentially subjects the officeholder to inappropriate influence from campaign contributors. A liberal society may attempt to limit these threats to office by regulating the election process or by choosing an alternative office-filling procedure. Appointment by elected officials, employment through a civil service system, and

even selection by random lottery (as in the case of jury duty and, at times, military service) are among the alternative procedures available. From this perspective, public bureaucracies can be understood as mechanisms whereby public offices can be filled by non-elective means but may still be accountable to elected officials, and through them, to non-officeholding electors.

Public professions,[7] among which the practice of law and certified public accountancy might be counted, are an especially relevant non-elective mechanism for filling public office. Though the members of public professions serve crucial public functions (note, for instance, that lawyers are "officers of the court") they are neither elected to office nor typically held accountable to the electorate through employment in a public bureaucracy. Why might such professions be justified in a liberal state? Obviously, the freedoms that public professionals enjoy must be self-defeating as must be true for any public officers in a liberal state, but there must be also plausible reasons why the usual mechanisms of public accountability are inappropriate or ineffective.

To find reasons of this kind, it is necessary to make explicit the liberal ethics of office that have been implicit in the discussion thus far. Democratic elections and public bureaucracies are, as we have noted, mechanisms for ensuring that the actions of state officials meet the expectations of the voting public. Liberal societies, however, do not have a fundamental commitment to the absolute moral rightness of all of the majority's expectations or desires. As we have noted, those

expectations are relevant only to the exercise of self-defeating freedoms by public officials but not to the exercise of the freedoms which make up each individual's sphere of general autonomy. Thus, the ethical principle which is to govern the actions of the officers of a liberal state is that they should do what the public has a right to expect, that they should exercise those freedoms and only those freedoms that are self-defeating in accordance with the will of the public. I will, adapting Ronald Dworkin's terminology, call this the principle of liberal integrity.[8]

In the liberal tradition, majoritarian expectations can be morally illegitimate in at least three ways. First, those expectations may be unclear, that is, they may be expressed in a way that does not permit the individual to tell what he or she is to do or avoid. Second, the procedures for determining whether an individual has met a public expectation may be either unreliable or ill-defined. In these cases, the individual may be held accountable for actions which he or she has no reasonable way of knowing are in conflict with public expectations. Finally, those expectations may forbid or infringe upon the exercise of individuals' basic freedoms, those which meet the presumptions of equality and reasonable use. When what the public actually expects diverges from what it has a right to expect, democratic accountability may be an inappropriate means for realizing the fundamental goal of the liberal society. For if democratic majorities may freely enforce their will when they have, in the senses described, no right to, the legitimate autonomy of some members of

society to pursue their own goods will be violated. The justification for non-democratic procedures for filling public offices is strongest, then, when the persons who hold those offices have a role in determining what the public does and does not have a morally legitimate right to expect.

In summary, there are at least two conditions under which public professions may represent an appropriate mechanism for filling public offices. First, public expectations must pose a threat to individuals' legitimate autonomy in one of three ways--by being vague, by being procedurally irregular, or by violating basic freedoms. Most of what lawyers and certified public accountants do can be described as clarifying the meaning of public expectations and regularizing the procedures for determining when those expectations have been satisfied. In addition, lawyers, through the practice of constitutional law, involve themselves in the defense of basic freedoms.

Of course, any public official may attempt to specify the meaning of public expectations or the nature of public procedures. It is only when the decisions in which officials participate are effectively final that the case for non-democratic procedures for selecting those officials is clear. Thus, the second condition for the establishment of a public profession is that the decisions that those professionals make or participate in about the nature of the public's legitimate expectations are final and effectively binding upon the members of a liberal society. Whether the second condition is met is partly a matter of the official status of the officeholder's decisions, whether, for instance, the decision may

be appealed to a higher public authority. But it also depends upon whether the decisions will, in fact, effectively govern the actions of individuals in the society, whether, that is, individuals will actually do what the officials determine is expected of them. Now, both of these factors--official status and the level of effective compliance--are matters of degree. Thus, the satisfaction of the second condition is itself a matter of degree. As the levels of official finality of and public compliance with an office's decisions increase, the case for having the members of a public profession fill that office becomes stronger.

There is, however, one additional and crucial condition that must be met before a public profession may be justified in a liberal society. As we have seen, the basic ethical principle governing the exercise of self-defeating freedoms by the officers of a liberal society is the principle of liberal integrity--those freedoms should be exercised as the public has a right to expect. For elective and bureaucratic offices, democratic office-filling procedures and accountability to elected officials provide mechanisms for enforcing that ethical principle. Those procedures are, however, inappropriate for offices justifiably filled by members of public professions. Thus, before the creation of these offices can be justified, it must be possible to devise effective alternative mechanisms by which the public can be protected against the fundamental vice of public office, malfeasance. These mechanisms usually include a lengthy socialization of individuals to the norms of the profession, a process in which candidates for

the profession are educated to understand the public nature and purpose of the professional practice and to evince a clear commitment to professional integrity. Moreover, provision is made for the policing of practicing professionals by other members of the profession. Unless this third condition is satisfied--the establishment of effective mechanisms for ensuring adherence to the principle of liberal integrity in professional practice, a liberal society should not recognize a public pofession. For without these mechanisms, the self-defeating freedoms that the members of the profession exercise will not be used to achieve the public purposes for which those freedoms are granted in the first place.

Thus, liberal societies may legitimately authorize restricted spheres of autonomy by creating public offices in which some members of the society are permitted to exercise freedoms that facilitate the pursuit of individuals' goods but that would be self-defeating if everyone exercised them. Some of these offices, constituting what I have called the public professions, may need to be filled through non-democratically accountable procedures. In creating these offices, however, a liberal society must ensure that those permitted to exercise such restricted autonomy will act in ways that secure the specific goods that otherwise would not be achieved, that officeholders will be governed by the principle of liberal integrity.

## Risk-Laden Freedoms

The problem of risk-laden freedoms for liberal societies is the opposite of that for self-defeating freedoms. The supply of individuals able reasonably to exercise self-defeating freedoms

exceeds the society's demand.. By contrast, the demand for the exercise of a risk-laden freedom, from those whose vision of the good either requires them to exercise the freedom or to receive the benefits from another's exercising it, exceeds the supply of those who are capable of exercising the freedom reasonably. The problem for the liberal society here is twofold: to whom to restrict the exercise of risk-laden freedoms and to whom to distribute the benefits of that restricted exercise in ways most consistent with the liberal society's commitment to the realization of each person's vision of the good, whatever it turns out to be.

It may be tempting to suppose that the solution of those problems is straightforward: simply restrict exercise to the competent and permit the free market to distribute the benefits to those to whom they are worth the most. Unfortunately, the fundamental liberal commitment does not permit such easy solutions.

In the first place, competence is not an all or nothing affair; rather, it is a matter of degree. People are better and worse automobile mechanics rather than absolutely incompetent and absolutely competent at car repair. To restrict exercise of a risk-laden freedom, a liberal society must, then, establish a definition of minimum competence somewhere along the continuum of performance. Because individuals in a liberal society have differing conceptions of the good, some might be satisfied with a level of performance that falls below the established minimum. In regulating the exercise of risk-laden freedoms, therefore, a

liberal society inevitably limits access to certain benefits even when the beneficiaries themselves would be perfectly satisfied with the quality of those benefits. In general, this result is inconsistent with the fundamental liberal commitment. Moreover, this restriction implies that some individuals are denied the opportunity to exercise freedoms important to their vision of the good even when the risks of that exercise are acceptable to those upon whom they fall. Once again, this result is inconsistent with liberalism. A special case is the individual who exercises the risk-laden freedom so that the risks fall only upon him- or herself. A competence-based restriction would prevent that person from engaging in a self-fulfilling activity even when no one other than the practitioner suffers from an incompetent performance.

As we have noted, the presumptions of equality and reasonable use conflict for risk-laden freedoms. The simple solutions assumes that the presumption of equality should in every case be overridden in favor of the presumption of reasonable use. That assumption no longer seems plausible. In fact, the arguments we have just considered imply that equality generally overrides reasonable use in the case of risk-laden freedoms. If so, the exercise of risk-laden freedoms is presumptively included in each individual's sphere of general autonomy. Thus, a liberal society's justified restriction of risk-laden freedoms based upon competence is far more difficult and complex than it may have seemed initially.

By definition, the exercise of risk-laden freedoms imposes upon some individuals a risk of impairing their chances to pursue

their goods. The argument that everyone ought to have these freedoms depends upon the assumption that those upon whom the risks fall have both the opportunity and the ability to assess those risks before they are imposed. Before having one's car repaired or one's hair cut, a person has the chance to consent to another's doing so. And, while most people may not be able to repair cars or cut hair competently, they are able to tell when those tasks have been performed to their satisfaction. Thus, many risk-laden freedoms can be generally unrestricted (or restricted only to the extent of prohibitions on false advertising or other deceptive practices that interfere with the ordinary person's opportunity and ability to assess risks).

If most people lack the opportunity or the ability to assess risks, the case for restricting risk-laden freedoms is strengthened, however. For example, it is not feasible for each driver to consent explicitly to every other driver's presence on the road. Thus, the freedom to drive imposes risks not only upon the driver him- or herself, but also upon others who do not have the chance to assess the risks of and to consent to his or her exercise of that freedom. Therefore, public restriction of this freedom through the familiar practice of licensing seems consistent with the aims of a liberal society.

Of course, almost anything that people do--from walking down the street to mowing the lawn--can impose risks willy-nilly upon others. Why, then, shouldn't we also license home gardeners and pedestrians? Two additional factors seem to be involved. One can impose risks on others by acting carelessly or by failing to

possess requisite competence (or both). Licensing seems relevant when the lack of competence is involved in the imposition of risk. Liberal societies typically provide for the recovery of damages for harm done through the careless exercise of a risk-laden freedom. In addition, the severity of the competence-dependent risks imposed by the exercise of a freedom is relevant to the licensing of that exercise. Unskilled driving is generally more dangerous to others than unskilled lawn-mowing and is, therefore, a more likely candidate for licensing. Thus, there are two criteria for restricting the exercise of non-consensual, risk-laden freedoms: the risks imposed must be sufficiently competence-dependent and severe.

As we have noted, the case for permitting everyone to exercise risk-laden freedoms also depends on the assumption that people have the ability to assess the risks imposed by the exercise of such a freedom even though they may not have the ability to exercise that freedom to their own satisfaction. When people have the opportunity to assess risks, it is important from the liberal perspective not to construe this assumption about people's ability to assess risks too narrowly. Otherwise, unnecessary restrictions on individuals' opportunities to pursue their goods through exercising or benefiting from risk-laden freedoms may result. Being able to assess risks need not mean that a person must be able to do so before he or she permits another to exercise the risk-laden freedom. A person may not, for example, be able to tell in advance whether someone else is competent to repair his or her car but may come to be able to do

so by assessing the results of allowing the self-proclaimed mechanic to try. All that may be required here is a means by which the consumer can recover damages from the ostensibly skilled service provider. Sometimes, however, the risks of exercise are so severe that the consumer needs to judge the provider in advance. However, one need not be able to reach such a prior judgment entirely on one's own. If a mechanism exists or can be created whereby reliable expert advice may be available--word-of-mouth, private guilds of skilled providers, independent consumer testing laboratories, and so on--individuals may with that assistance be sufficiently able to reach prior judgments of competence to permit the risk-laden freedom to remain unrestricted. When individuals have an opportunity to judge risks, restriction or licensure of a risk-laden freedom may be justifiable only when the risks are so severe as to require prior judgment of those risks and when reliable expert advice is unlikely to be available. As in the previous case, licensure here also seems relevant when the risks are imposed as the result of a person's lacking a skill and not simply of a failure to exercise reasonable care.

There are, then, two general categories of risk-laden freedoms which a liberal society is justified in restricting. In both cases, the risks attached to the restricted freedom must be in part competence-dependent and sufficiently severe. In one category, people do not generally have the opportunity to assess the risks of and to give their consent to the exercise of the freedom. In the other, people are unable to assess the risks

because reliable, expert advice cannot be made generally available. As we have seen, when a risk-laden freedom does not fall into one of these rather limited categories, liberal societies may make provisions for its exercise which leave the freedom in the sphere of general autonomy that each member of the society enjoys.

As noted, licensing is the basic mechanism whereby some individuals are granted the autonomy to exercise these restricted risk-laden freedoms. The institutions by which such licensing is accomplished will be significantly different for the two categories of restricted freedoms, however. In concluding that certain freedoms should be licensed by a liberal state, we have argued that the freedom to determine who may exercise those risk-laden freedoms is self-defeating. That is, if everyone were free to decide when others may drive a car or perform surgery, for example, the purpose of that freedom--namely, the protection of individuals against severe risks when they lack the opportunity or ability to assess those risks--would be frustrated.

As we have seen, a liberal society needs to establish public offices in order to achieve the purpose of such self-defeating freedoms. Thus, some public offices will have the purpose of licensing the exercise of certain risk-laden freedoms. When a freedom needs to be licensed <u>only</u> because people generally lack the opportunity to assess the risks attached to its exercise, fully democratically accountable mechanisms for filling the licensing office for that freedom are clearly appropriate. Because, by assumption, anyone in the society has the ability to

perform the licensing function, democratic election or appointment within a democratically accountable public bureaucracy are appropriate ways of ensuring that the licensing function will be performed with liberal integrity.

When ability to determine risks attached to the exercise of a freedom is at issue, openly democratic mechanisms, those by which any citizen may compete for office, may be inappropriate. These freedoms must be licensed because reliable, expert advice cannot be made generally available to the public. If such advice can be made available to officeholders and if an ordinary citizen can make appropriate licensing decisions when provided with such advice, openly democratic mechanisms will still serve the public purpose in licensing these risk-laden freedoms. Furthermore, the advantages that democratic mechanisms have in safeguarding the liberal integrity of office imply that these mechanisms should be utilized in these cases.

If it so happens, however, that only those individuals who are already licensed to exercise a risk-laden freedom are able to make appropriate decisions about who is competent to exercise that freedom, openly democratic office-filling mechanisms cannot be justified. In these extraordinary cases--which I will label the licensed professions in contrast with licensed skills, such as driving a car, and licensed occupations, such as driving a bus--a liberal society must establish mechanisms for filling the licensure offices from among the ranks of licensed professionals themselves. A variety of mechanisms is still available here--public elections, bureaucratic appointment, or elections by

professionals themselves--but only licensed professionals can be candidates for these offices. No matter which alternative a society chooses, however, the practitioners of a licensed profession are not fully publicly accountable in the exercise of the restricted freedoms they have been granted. The licensed professions like the public professions, therefore, must effectively enforce a code of ethical professional conduct in order to serve the legitimate purposes of a liberal society.

This code of conduct will have two aspects, one for each of the major ethical problems that risk-laden freedoms pose to a liberal society. The consequences of the practice of these freedoms can be either beneficial or harmful to others in the pursuit of their goods. A liberal society aims, on the one hand, to bring those potentially beneficial or harmful consequences under the control of those to whom they may accrue so that individuals may pursue their goods reasonably in light of the risks that the pursuit involves. Individuals may not be able to control the risks they run because they cannot determine who is able to exercise a given risk-laden freedom in a way that minimizes its risks to others. As we have seen, a liberal society is justified in restricting the exercise of that freedom in this case to those who can exercise it competently. Those to whom a liberal society grants that freedom have a moral obligation, then, to exercise the freedom in a way that minimizes its risks to others. In other words, licensed professionals are obliged to practice competently. That the risks of a freedom are minimized does not imply, however, that they do not exist. Those remaining

risks may, according to some persons' view of the good, be still unacceptable. Thus, licensed professionals have a further obligation to inform their clients of the risks that attach to competent practice and to permit them to decide whether to run those risks. In sum, the members of licensed professions are morally committed to permitting those affected by certain risk-laden freedoms to have reasonable control over those risks by means of competent, or risk-minimizing, practice and informed consent.

But risk management is not the only problem that risk-laden freedoms impose on liberal societies. Because such societies are committed to the facilitation of their members' pursuit of their goods, they must be concerned about individuals' access to the instrumentalities that are required by that pursuit. The beneficial consequences of risk-laden freedoms are among those instrumentalities, at least for some individuals. In fact, this concern for access to good-facilitating instrumentalities is an important part of the reason why the restriction of risk-laden freedoms is difficult to justify in liberal societies. Ordinarily, liberal societies prefer to establish labor and commodity markets in which individuals can freely negotiate with one another for access to the instrumentalities which they require. On the assumption that the economic power that individuals bring to those markets is justly distributed, free markets will give each member of society fair access to the means of fulfilling their visions of the good. Restrictions upon the exercise of risk-laden freedoms may vitiate markets' potential to

provide such fair access because those restrictions artifically limit the available supply and variety of the beneficial consequences of those freedoms. In those cases when restriction of a freedom is justified, therefore, a liberal society must seek to ensure a just distribution of those beneficial consequences. One of the conditions a liberal society may legitimately impose upon the exercise of any licensed risk-laden freedom, then, is that individuals be given fair access to the beneficial consequences of that exercise. Since free markets cannot ensure fair access in the case of restricted freedoms, the ethics of the licensed professions includes an obligation to provide fair access to the beneficial effects of the restricted freedoms.

A liberal society may be justified in authorizing restricted spheres of autonomy by licensing some individuals to exercise certain risk-laden freedoms that are forbidden to others. In some of these restricted practices, what I have called the licensed professions, the licensing decision can be appropriately made only by those who are already licensed to exercise the freedom in question. In licensing such professions, however, a liberal society must protect itself against two threats to its commitment to facilitate its members' pursuit of their own goods -- the failure of licensed professionals to exercise the risk-laden freedom competently and in accord with others' informed consent (or malpractice) and the failure to give others fair access to the beneficial effects of the risk-laden freedom (or maldistribution).

## Professional Autonomy for Teachers

This extended tour through the ways in which a liberal society

can justify the creation of limited spheres of autonomy has prepared us to clarify the nature of teacher autonomy in three ways. We have seen, first, that there are two different bases for granting restricted autonomy in a liberal society -- that the freedoms in question are self-defeating or risk-laden. The validity of this claim that teachers should exercise a special sphere of autonomy, thus depends upon whether the practices in which teachers engage fall into either or both of these categories. Second, we have seen that there are two different categories of procedures by which a liberal society may determine who is to be allowed to exercise the freedoms that are justifiably restricted -- procedures in which that determination is directly or indirectly accountable to the will of the majority and procedures in which that determination lies in the hands of those who have been authorized to exercise the freedoms in question. The validity of the claim that the autonomy that teachers should exercise is professional in nature, thus, depends upon whether the procedures for determining admission to and retention in the practice of teaching are justifiably of the second type. Finally, we have seen that a liberal society is justified in authorizing limited spheres of autonomy only in order to achieve its fundamental commitment to facilitate its members' pursuit of their own goods. Those who are permitted entry to a limited sphere of autonomy must, therefore, be committed to exercising their restricted freedoms according to ethical principles derived from the fundamental liberal commitment. The precise content of these principles will depend upon whether and

in what way the restricted freedoms are self-defeating or risk-laden. The nature of teacher autonomy, should such autonomy prove to be justified, will be defined by the ethical principles associated with the exercise of the freedoms that it includes.

## The Case for Teaching as a Public Office and a Public Profession

In liberal societies, public offices are devices for determining who should exercise certain freedoms when everyone's doing so would frustrate the very purpose of the freedom itself. If teaching is legitimately a public office, it must involve the exercise of such a self-defeating freedom. To show that the freedom to teach has this character, we need to establish, first, that teaching has a purpose that is applicable to all members of a liberal society and, second, that giving everyone the freedom to teach would defeat the achievement of that purpose.

Now, teaching can have as many different purposes as there are visions of the good in a society. One might teach in order to promote the greater glory of God, the perpetuation of a particular art form, or the flourishing of a particular community. To the extent that any of these purposes cannot be shared by all members of a liberal society no matter what their vision of the good turns out to be, the freedom to teach for that purpose cannot be recognized by the society as self-defeating. This is not to say that these freedoms may not be protected by a liberal society but only that such a society cannot establish public offices for their exercise.

It is, however, generally important in a liberal society that its members come to hold some vision of the good that they have

chosen for themselves. Thus, while the development of each person's specific potential to become, say, a Buddhist monk to the exclusion of other possibilities cannot be a legitimate purpose of a liberal society, the development of each person's more general potential to choose and hold some vision of the good, including that of the Buddhist monk, can be a legitimate liberal purpose. Because teaching may be necessary to develop that general potential, the freedom to teach for that purpose is a legitimate candidate for a self-defeating freedom.

But is the freedom to teach for this purpose, in fact, self-defeating? Is it true that, if everyone were granted the freedom to teach for this purpose, people would not actually develop the general capacities to choose and hold a vision of the good at which that freedom aims?[9] Having one's own vision of the good does not require that each person invent his or her vision from scratch or that it must be wholly idiosyncratic. By and large, one's vision of the good will result from one's exposure to the various human possibilities that others' experiences make available. In the long run, having one's own vision of the good depends upon one's having access to others' understandings and experiences of the world. But it also depends upon one's having the abilities to comprehend and assess the possibilites that others exemplify, to understand oneself, and to create a coherent life from among the available possibilities. These and perhaps other abilities constitute the general capacities to choose and hold a vision of the good.

It is important to make two general observations about these

abilities. First, they are matters of degree. The more languages one can speak, the more value systems one understands, the more one has experienced one's own talents and proclivities, and so on, the more capable one is to choose and hold a view of the good. But, second, it does not seem to be psychologically or developmentally possible for the infant to learn all human languages or value systems simultaneously. Thus, for children to develop robust capacities to choose and hold a vision of the good in the long run, it seems initially necessary for them to develop a rather narrow range of abilities.

In light of these observations, let us consider a society in which each person enjoys the freedoms to teach anyone else whatever he or she pleases and to determine, based upon his or her own interests, from whom he or she will accept such instruction. Among adults with reasonably well established visions of the good, such an arrangement seems eminently sensible, for these freedoms are important means to the continued evolution and expression of their visions of the good. When exercised among adults, then, the freedoms to learn from and to teach others are consistent with the fundamental commitments of a liberal society.

For very young children, however, who lack not only a vision of the good but even the general capacities to choose and hold such a vision, these freedoms are problematic. These children need to establish in some systematic way a coherent cultural foundation that will enable them eventually to develop a genuinely self-chosen vision of the good. Adults' freedom to teach presents these children with a Babel of different voices and visions from

which that basic foundation might be fashioned. In the absence of the general capacities for holding and choosing a vision of the good, however, children have no basis for selecting among these options even though they might be granted the right to do so. The Babel of voices must for children remain a Babel, and their development of the systematic cultural foundation for becoming their own persons is imperilled. These freedoms, which are important for adults' being and becoming their own persons, seem to impede children's achievement of that very goal.

In short, everyone's having the freedom to teach anyone and everyone else will defeat its legitimate liberal purpose when those who are taught have very limited capacities to choose and hold a vision of the good. As these capacities grow more robust, the self-defeating character of the freedom to teach dissipates. Therefore, a liberal society's justification for creating a public office of teacher is strongest for the development in the very young of the initial abilities upon which the capacities to choose and hold a vision of the good depend.

In general, liberal societies recognize two types of public office for the exercise of the freedom to teach the young -- those of parent and schoolteacher. The office of parent can be seen in part as a liberal society's attempt to fulfill the presumption of equality despite the fact that the freedom to teach the young must be restricted because it is self-defeating. Though the freedom to teach any child is inconsistent with the fundamental commitments of a liberal society, parenthood provides nearly everyone the opportunity to exercise the freedom to teach some

particular child and thereby to realize, to some extent at least, that part of each person's vision of the good that may require the exercise of that freedom.

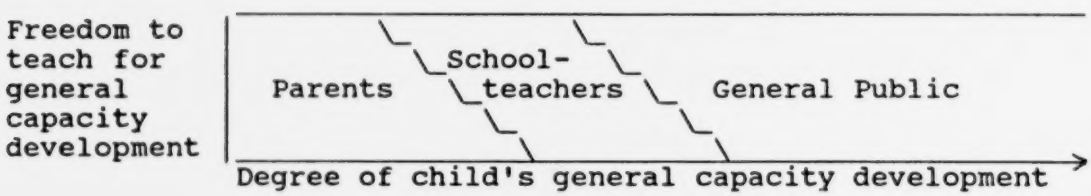
Let us recall, however, that liberal societies distinguish two different categories of teaching -- that done with the purpose of advancing a particular view of the good and that done with the purpose of developing the general capacities to choose and hold a vision of the good. As we have noted, the freedom to engage in personal good-advancing instruction may not be restricted to public office, nor may public office be utilized to advance such personal goods to the exclusion of others. Rather, it is the freedom to engage in general capacity-developing instruction that may legitimately be restricted to and exercised by public office holders.

Now, these two categories of teaching are not mutually exclusive. Because the development of others' general capacities may be included in one's own vision of the good, teaching for that purpose may also fulfill one's personal good. Moreover, teaching to advance one's own good, even when one's purpose is not to develop others' general capacities, may willy-nilly serve that purpose when it provides the initial necessary foundation for the development of those capacities. As that foundation becomes effectively established, however, such personal good-advancing instruction gradually ceases to serve the purpose of a general capacity development. Because of the diversity of goods that individuals in a liberal society may hold, many, perhaps most, parents will not hold a vision of the good in which the purpose of

general capacity development is predominant. As a result, it may be necessary for a liberal society to establish another office for the exercise of the freedom to teach for general capacity development, the office of schoolteacher.

Figure 1 indicates graphically how the freedom to teach for general capacity development should, on the account I have suggested, be distributed in a liberal society.

Figure 1. Distribution of the Freedom to Teach in a Liberal Society




As an individual's general capacities to choose and hold a view of the good become developed, restricting the freedom to teach that individual for that purpose to the holders of public office becomes harder to justify. Similarly, as the teaching of a parent ceases to contribute to the development of a child's general capacities, the justification for the parent's continuing to exercise exclusive control over the child's development also grows weaker. The role of the schoolteacher, then, is to exercise the freedom to develop a child's general capacities from the point where parental exercise is no longer exclusive to the point at which the general public's exercise of that freedom becomes justified. In other words, whether a liberal society should create the public office of schoolteacher depends upon whether there is a gap between parents' legitimately diminishing and the

general public's legitimately increasing freedom to teach children for the purpose of general capacity development.

Does such a gap exist in contemporary American society? Two considerations suggest that it does. While it is reasonable to characterize the United States as a liberal society, it is not, as no society can be, perfectly so. A society is liberal to the extent that its members' sense of justice includes a commitment to liberal principles and that sense of justice is regulative of its members' actions.[10] American society fails to be fully liberal on both these counts. When a liberal sense of justice is not fully regulative of individuals' actions, the justification for curtailing parents' exercise of the freedom to teach and postponing the general public's exercise of that freedom until later in a person's development is strengthened. For neither parents nor the general public from which they are drawn are likely to have an overriding commitment to teaching for general development as opposed to teaching for the advancement of their own good. The more unjust the society according to liberal principles, the larger is the gap between parents' and the public's legitimate exercise of the freedom to teach, and, therefore, the stronger is the reason for creating the office of schoolteacher to fill that gap.

A similar argument can be made about the cultural diversity and technical complexity of a society. When the range of options from which an individual can fashion a view of the good is large and when the skills necessary to understand and assess the options are complex, the time it will take individuals to develop

reasonably robust capacities to choose and hold a view of the good will be lengthened. In these circumstances, the ability of individual parents on their own to contribute to the development of those capacities will be limited. Once again, these characterisitics of a society -- cultural diversity and technical complexity -- will widen the gap between parents' and the general public's exercise of the right to teach. In an American society that has both these characteristics, the justification for the public office of schoolteacher will be strong.

At this point, then, we have determined that the freedom to teach for general development is self-defeating and that there is a plausible case in contemporary American society for creating an office of schoolteacher to which the exercise of that freedom may legitimately be restricted during at least part of each individual's life. The usual way of filling such offices is through democratic election or appointment in a democratically accountable public bureaucracy. In many rural communities until the early part of this century, something very like election was the means by which teachers were selected. Teachers were chosen by community consensus often from among the older daughters of local families. Today, however, state and local bureaucracies largely control the filling of these public offices. The case for professionalizing teaching depends upon the inadequacy of democratically accountable procedures for determining who may, in this case, exercise the self-defeating freedom to teach for general capacity development.

Before considering this issue, it is important to distinguish

two senses in which a public professional may hold public office. When an individual is permitted by means of a basically non-democratic procedure to practice law, he or she thereby becomes an officer of the court. All lawyers, thus, are public officers in the sense that they and only they are eligible to exercise certain self-defeating freedoms no matter who, if anyone, pays for their services. In addition, some lawyers are paid from the public treasury for exercising those freedoms--public prosecutors, public defenders, and so on. They are public officers in the sense that they are in the public employ. The issue before us is whether teachers ought to be public professionals in the first sense; that is, whether a person's eligibility to exercise the freedom to teach for general capacity development ought to be determined by non-democratic procedures. The question of whether some or all teachers should be public professionals in the second sense--whether they ought to be paid by the public--though important, is not at issue here.

As I have argued, there are three criteria for creating a public profession in a liberal society:

(1) Public expectations must pose a threat to individuals' legitimate autonomy by being vague, by being procedurally irregular, or by violating basic freedoms.

(2) The decisions about what public expectations are legitimate that these office-holders make or participate in are final and effectively binding upon the members of the society.

(3) There exist effective non-democratic mechanisms for

enforcing upon these office-holders the ethic of liberal integrity in the exercise of the restricted freedoms they have been granted.

School teachers do impose expectations upon their students concerning the ways in which the students are to develop their capacities to choose and hold views of the good. When teachers are selected by democratically accountable procedures, those expectations are determined directly or indirectly by the will of the majority. If there is a significant difference between what the majority actually expects in this regard and what it has a right to expect on the basis of fundamental liberal commitments, a liberal society may, according to the first criterion, be justified in making the practice of schoolteaching a public profession.

We have seen that if some individuals in a society do not possess a regulative sense of liberal justice, a liberal society is justified in making schoolteaching a public office. The case for filling that office through professional rather than democratic means depends upon one of two far stronger claims; namely, either that a majority of citizens do not possess a regulative sense of liberal justice with regard to general the capacity development of others' children or that popular mechanisms for admitting individuals to the practice of schoolteaching are very likely to be subverted by an unjust minority. If the first claim is true, democratically accountable selection procedures will result in the imposition on students of the majority's illiberal expectations for general capacity

development. If the second claim is true, these expectations will be determined by an illiberal subversive minority. Though I cannot fully assess the plausibility of these claims for contemporary American society here, I will note that they are inconsistent with the popular belief that the United States has an active and viable democratic tradition. In any case, we are now clear about part of the empirical foundation upon which the justification of schoolteaching as a public profession must be built.

A consideration of the second criterion can add to our understanding of that empirical foundation. Schoolteachers' expectations for their students certainly have an immediate effect on the development of students' general capacities to choose and hold visions of the good. Classroom curricular decisions determine what abilities a student may develop. Classroom rules and procedures can affect students' understanding of legitimate human relationships. Teachers' attitudes toward various views of the good can affect their students' attitudes. If teachers expect of students what on liberal grounds they have no right to, the short-term consequences of their decisions will be illiberal. The second criterion reminds us, however, that the decision to professionalize teaching depends upon its permanent and long-term consequences. If the illiberal effects of someone's teaching are temporary or reversible, the case for professionalization is weakened. Thus, even though teachers' expectations are determined by illiberal majorities or subversive illiberal minorities, teaching need not be professionalized unless those expectations

produce inappropriate development of students' capacities to choose and hold views of the good in the long run. If, as is widely believed, young children are more impressionable than older children, the case for making schoolteaching a public profession will be strongest for teachers of the young.

There is, I believe, no reason to suppose that schoolteaching will have any more difficulty in meeting the third criterion for public professions than law or public accounting. Indeed, the mechanisms whereby those professions enforce liberal integrity upon their members--long and explicit socialization processes, admission to practice examinations, boards of professional practice, and so on--are widely regarded as plausible models for teaching.[11] What has received less attention, however, is the set of standards that those mechanisms are supposed to enforce, the standards of liberal integrity in teaching. It would be useful, then, to sketch the meaning of liberal integrity implied in the recognition of schoolteaching as a public profession.

As we have seen, the liberal function of the office of schoolteacher is to develop students' capacities to choose and hold visions of the good in ways that, first, complement and go beyond what parents are typically able or willing to provide and, second, prepare students to participate in and benefit from an adult society in which they themselves will enjoy the general autonomy of the liberal citizen, have the opportunity to qualify for the exercise of various spheres of restricted autonomy, and be fully subject to others' exercise of the freedom to teach to advance their own goods. Liberal integrity for schoolteachers as

for all other office-holders is the carrying out of the legitimate function of one's office.

This very general description of the goals and context of schoolteaching does permit some additional logical elaboration of the ethics of the office. A student leaves the schoolteacher's care when he or she is able to exercise the citizen's general freedoms responsibly. These freedoms are vehicles by which one can pursue one's own good in a way that also allows others fairly to pursue theirs. Therefore, to exercise these freedoms one first needs to be one's own person, that is, to possess a strength of personality, an independence of judgment, and a degree of self-understanding that permit one to use those freedoms for one's own purposes. One, thus, also needs to have purposes that can reasonably be regarded as one's own. These purposes need not be invented ex nihilo, but they can and, in most cases, will be chosen freely from among those implicit in the various visions of the good available within one's civilization. For this choice to count as free, however, it must be made in light of a reasonable understanding of the range of possibilities before one. Finally, to exercise these general freedoms, one needs a sense of justice consistent with the fundamental commitments of a liberal society and regulative of one's own actions. For the point of these freedoms is not to enable one to advance one's own good without regard to the costs one imposes upon others, but to pursue one's good within a scheme of cooperation that permits others a fair opportunity to do likewise.

Liberal integrity commits the school teacher to treat

students so that they become their own persons, develop their own purposes, and achieve an appropriate sense of justice. The first thing to note about these commitments is that the outcomes they specify are matters of degree. One can be more or less one's own person depending upon how strong one's personality, how penetrating and discriminating one's judgment, and how acute one's self-understanding are. One's purposes can be more or less one's own depending upon how broad is the range of possibilities from which they are chosen and how deep is one's understanding of those possibilities. One's sense of justice can be more or less regulative of one's actions depending upon the extent to which one is willing to forego the advancement of one's own good in order to treat others fairly. Second, these commitments require that one's teaching has a content, but they do not specify precisely what that content should be. For instance, a student's independent judgment might include a command of deductive or inductive argument, aesthetic discrimination and appreciation, the methods of inquiry of particular disciplines, and so on. A student's understanding of the range of possible goods available in his or her culture may or may not include specific knowledge of Roman Catholicism or automobile racing, for example. Or, a student's sense of justice might consist in a commitment to Locke's principles of natural law, or Mill's utilitarian principles, or Rawls's contract theory. In short, the ethics of liberal integrity is to some extent indeterminate as to the content and the degree of student achievement at which instruction should aim.

This indeterminacy might seem to mark off the legitimate

sphere of autonomy of the schoolteacher. For all of these alternatives of content and degree of achievement apparently satisfy the general ethical requirements of liberal integrity for those who hold the public office of teacher. Since any choice a teacher might make from among those alternatives would seem to satisfy the ethics of teaching, the teacher, it might be argued, should be free to make those choices.

While this picture of teacher autonomy does agree with liberalism's general account of legitimate freedom, it is based on the false assumption that liberalism is <u>neutral</u> as to the specific quality of judgment, range of experience, or sense of justice a teacher is to cultivate in students in the same way that it is neutral to one's aspiring to be a mountain climber or a car mechanic. But liberalism is indeterminate about these instructional matters not because it in principle does not distinguish among them but only because we are uncertain about how it should do so. It is not as if liberals do not or should not care about the judgment, experience, or sense of justice that the young acquire; rather, these are issues that have not yet been satisfactorily resolved in liberal theory.

The real autonomy of the schoolteacher, then, cannot consist in the freedom to make these choices. Rather, it must be the freedom to prevent other adults or the public at large from imposing a form of instruction upon the young that is not a plausible if controversial interpretation of the development of their general capacities to choose and hold views of the good. It is the freedom to refuse to manipulate or propagandize the young,

to distort their judgment, to impoverish their experience, or to corrupt their moral sense.

We can now more fully understand the threat against which the professionalization of the office of schoolteacher might defend. If requiring teachers to be democratically accountable to the public will lead to these forms of distortion, impoverishment, and corruption of the young, the case for professionalization is strong. But the price that such professionalization exacts is very high. Professional autonomy over the content and degree of student achievement confers upon teachers not only the freedom to rule out what is patently unjustified but also the freedom to choose from among what may be justified. In other words, professionalization moves the debate over and the decision about the best interpretation of liberal commitments for instruction out of the public arena and into an officially restricted sphere. A public that has lost its opportunity to participate in these debates has been deprived of an important means of deepening its understanding of and commitment to liberalism itself. I suggest, then, that even when the dangers of democratic control of the office of schoolteacher are significant, the cost of professionalization to the society at large may still make it necessary to risk those dangers.

## The Case for Teaching as a Licensed Occupation or Profession

In liberal societies, licensing is a means for determining who should exercise certain risk-laden freedoms when those who bear the risks do not have the opportunity or the ability to assess them and when the risks are at least partially competence-

dependent and sufficiently severe. In order to clarify the meanings of self-defeating and risk-laden freedoms, I have until now treated them independently. Nothing in these concepts, however, prevents a particular freedom from being both self-defeating and risk-laden. Thus, my argument that the freedom to teach for the purpose of developing young people's capacities to choose and hold views of the good is self-defeating leaves open the possibility that that freedom or other freedoms to teach are risk-laden and subject to licensing.

Teaching may fail in at least two different ways. First, one's teaching might be ineffective; that is, a teacher might fail to develop in a student the behavior or belief at which the teacher aims. Second, one's teaching might be unsound; that is, a teacher might succeed in developing in students the behavior or belief intended but the behavior turns out to be inappropriate or the belief to be unwarranted. A person who has been taught ineffectively or unsoundly may be disadvantaged in his or her pursuit of the good in several ways: the student may fail to acquire the general characteristics that are fundamental to one's choosing, holding or pursuing any views of the good; the student may adopt a view of the good that is poorly understood and, therefore, proves ultimately unsatisfactory; or the student may fail to acquire the knowledge or skill required to advance his or her view of the good. Moreover, ineffective or unsound teaching can disadvantage others who expect the student to have the knowledge or ability that the teaching is to effect. Since it appears that any act of teaching is subject to failure and those

failures can have adverse effects upon individuals' pursuit of their goods, teaching seems to be inherently risk-laden.

However, a liberal society is justified in licensing a risk-laden freedom only when, in the first place, the attendant risks to others are so severe that they must be assessed prior to someone's exercising the freedom. I suggest that the severity of the risks of teaching varies along two dimensions -- how fundamental the consequences of the teaching are for the student's pursuit of the good, on the one hand, and how limited is the student's access to the teaching that has the desired consequences, on the other. Thus if what one is to learn is basic to one's having a view of the good or central to one's fulfilling one's view of the good, the consequences of failed teaching are potentially severe. This potential is realized, however, only when one's other opportunities to benefit from successful teaching are limited. That is, even if someone fails to teach me something that is of central importance to my life, the risks attached to that teacher's failure are unacceptable only if I do not have other reasonable chances to learn what I need elsewhere. These considerations imply, first, that in liberal societies there is a general presumption against restricting the freedom to teach even though it is risk-laden, for, in doing so, a society limits the alternative opportunities available for its citizens to learn what may be central to the pursuit of their goods. This presumption may be overridden, however, when, by taking advantage of one opportunity to learn what one needs, one thereby forecloses one's chances at other opportunities to do so.

If someone's trying to teach me something results in my being unable to take advantage of others' efforts to teach me that thing, others' having the freedom to teach gives me no protection against the possibility that my teacher's teaching may fail. In other words, the presumption against restricting the freedom to teach can be overridden when that freedom is self-limiting.

We can now see that the severity-of-risk criterion for licensing the freedom to teach is most likely to be met in the case of teaching the young. First, the young are learning to be their own persons, something which is fundamental to everyone's pursuit of his or her good. Second, the freedom to teach the young is likely to be self-limiting. Learning to be one's own person is, unlike learning to ride a bicycle or to make a souffle, a long-term perhaps even a life-long, endeavor. Substantial early failures in that learning process, while perhaps not wholly irremediable, are in practical terms often difficult to correct in adulthood. Thus, the freedom to teach the young to be their own persons tends to be self-limiting. The importance of one's learning to be one's own person and the probability that early failures of teaching can permanently affect one's prospects for such learning imply that the risks of the freedom to teach the young for this purpose are serious enough to require their assessment before the exercise of that freedom is permitted.

Even when the harm attendant upon the exercise of a risk-laden freedom is serious enough to meet the first criterion, a society is not necessarily justified in licensing its exercise. As we have seen, giving those who bear the potential risks a

realistic opportunity to assess those risks and to decide whether to allow the exercise of the freedom is, when feasible, more likely to satisfy a liberal society's commitment to facilitate its members' pursuit of their goods than is licensing. Thus licensing must be based upon the claim that such prior risk assessment is not feasible in that those who bear the risks necessarily lack either the opportunity or the ability to assess them.

Almost by definition, those who are not yet significantly their own persons lack the ability and even the grounds for assessing not only the risks of teaching but risks of any kind. As noted, part of being one's own person includes understanding one's own aspirations, motivations, potential, and possibilities. This self-understanding is the foundation upon which risk assessment is based, for the potential harms and benefits to be considered are measured against one's view of one's own good. Thus, children's inability to assess the risks of someone's exercise of the freedom to teach supports the case for licensing that freedom. However, the justification for teacher licensing becomes weaker as the young become sufficiently their own persons to assess the risks of teaching against their developing sense of their own good. Thus, the ability and opportunity criterion, like the seriousness of risk criterion, implies that licensing the freedom to teach is age specific.

Finally, we have seen that licensing is appropriate when the risks that attach to a freedom depend upon the competence with which it is exercised. Competence may be relevant to teaching as a safeguard against the two types of failure that can impose risks

upon those who are taught -- ineffectiveness and unsoundness. Teaching the young to be their own persons is likely to be unsound when the teacher lacks a reasonable understanding of what being one's own person requires, an understanding of the general capacities necessary for choosing, holding, and pursuing one's own good. Teaching is likely to be ineffective when the teacher lacks a reasonable understanding of the instructional strategies, methods, or arrangements that are likely to allow individual youths to develop the capacities necessary for being their own persons.

This liberal conception of teaching competence as soundness and effectiveness coincides in a general way with the commonsense view that the good teacher knows both his or her subject matter and how to get students to understand it, but it goes beyond that view in important ways. Soundness in teaching implies that what the teacher intends the students to learn will make a legitimate contribution to their becoming their own persons. Effectiveness in teaching implies that what teachers succeed in teaching, in fact, contributes to students' becoming their own persons. Thus, competent teaching means not only that the teacher tries and succeeds in teaching subject matter that, in some narrow sense, is correct but also that the subject matter and the manner in which it is taught are consistent with the developing moral independence of students.[12] In short, a liberal society that licenses the freedom to teach the young must be concerned with prospective teachers' understanding of their legitimate purposes and the nature of human development toward independence as well as with

their command of subject matter and their pedagogical skill.

But even this even this broader formulation is misleading because it represents the four elements of competence -- moral understanding, developmental understanding, subject matter mastery, and pedagogical skill -- as being independent of one another. It is not as if the competent teacher has, for example, a set of pedagogical techniques independently determined to be effective that he or she then selectively utilizes to promote students' moral independence. Rather, what instructional methods are considered to be effective depends upon their conduciveness to moral independence. Just as Lee Shulman argues that it makes little sense to conceive of pedagogical skill apart from subject matter, I suggest that it is just as inappropriate to divorce either the content or the method of teaching from their legitimate purpose when one is concerned with the nature of teaching competence to be licensed in a liberal society.[13]

Conceptualizing the competence upon which the successful exercise of a risk-laden freedom depends is only part of what the competence criterion for licensing requires. We must also understand that competence well enough to determine reliably whether a candidate for a teaching license possesses it to an adequate degree. It strikes me that our understanding of soundness and effectiveness in teaching the young to be their own persons is in a surprisingly primitive state. I do not mean to minimize the very real advances in the quality and value of research on teaching made over the past twenty years or so. For example, we now have fairly reliable evidence of the relationship

between certain teacher behaviors and students scores on standardized tests.[14] Nevertheless, we still have little systematic understanding of the connection, if any, between those scores and students' moral independence. And, according to researchers themselves, our knowledge of the empirical effects of teachers' understanding of subject matter and their more sophisticated behavioral repertoires is limited.[15]

Our ignorance of teaching soundness and effectiveness is significantly conceptual and political as well as empirical. For even with a reasonably complete knowledge of the relationship between teacher performance and student development, we would still need to specify what forms of development count as contributions to students' moral independence. The continuing controversy over the relative contributions of skill and content mastery to literacy is but one indication of our lack of philosophical and political resolution of these issues.[16]

Despite our collective ignorance about this particular form of teacher competence, we may still have a reasonable if incomplete understanding of teacher incompetence. Thus we may have empirical evidence and conceptual and political agreement that a person who is grossly stupid, cruel, careless, exploitive, or mentally unstable is unable to teach the young soundly and effectively to be their own persons even though we lack a detailed understanding of the constructive qualities of teaching competence. The seriousness of the risks that the freedom to teach imposes on the young and their inability to assess those risks imply that a liberal society is justified in what might be called the negative

licensing of this freedom, that is, deprivation of the freedom on the grounds of obvious incompetence as opposed to the granting of the freedom because of demonstrated competence.

This consideration of the legitimate grounds and prospects for licensing the teaching of the young in a liberal society has put the issues of teacher professionalization in a perspective somewhat at odds with contemporary accounts. In agreement with those accounts, we have seen that licensure of teachers does depend upon the existence of a reliable knowledge base for teaching. The requisite knowledge base includes, however, the subject matter and pedagogical techniques relevant not just to children's learning in general but rather to their learning to be their own persons. Unfortunately, this knowledge base is at best incomplete because of the lack of pertinent empirical research but, more important, because of the limited political and conceptual agreement about the nature of moral independence. The agreement that does exist justifies a kind of negative licensing designed to exclude the grossly incompetent. In this way, teaching the young to be their own persons is legitimately a licensed occupation.

As we have noted, licensed professions are those occupations in which the licensing decision is appropriately reserved to license holders because ordinary citizens are unable to make those decisions even with the advice of experts. Defining and detecting gross incompetence in teaching are not, however, matters that can be accomplished only by those who are licensed to teach. Thus, given the current state of the knowledge base for teaching the

young, there is little reason for granting professional status to that occupation. Moreover, restricting the licensing decision to practitioners at this time is likely to impede the development of the knowledge base upon which the recognition of teaching as a legitimate profession might eventually be justified. As I have suggested before, to close off public debate over the implications of liberal theory for instruction by removing the selection of those who are to hold the public office of schoolteacher from the sphere of democratic control is to deprive the public of the opportunity to attain rational consensus about the meaning of moral independence. To limit public participation in the determination of who is eligible to hold that office will, I suggest, have a similar effect. In the absence of a more detailed and comprehensive consensus about the nature of moral independence in a liberal society, the ideological foundation upon which the knowledge base for teaching must be built is slender. And without that knowledge base, the case for teaching as a licensed profession cannot succeed.

As a licensed occupation, teaching has a code of ethics analogous but not identical to the licensed professions. Licensed professionals are obliged to practice competently. Teachers are obliged to avoid the forms of gross incompetence about which societal consensus exists. Beyond that, teaching competence is subject to democratic determination, however, in a way that professional competence is not. Because the risks of teaching the young to be morally independent are neither clearly defined nor well understood, democratically accountable political authorities

have a legitimate role in defining teaching practice that might be inappropriate in, for example, medicine.

When feasible, licensed professionals are obliged to inform their clients of the risks of competent practice in order to permit them to assess those risks according to their own visions of the good. Such an obligation for teachers makes little sense on two counts: The risks are not well defined, and their clients do not have a firmly established vision of the good against which the risks may be evaluated. Instead, teachers are obliged to bring to the public debate over teaching competence what is known about the effects of the various curricula and instructional techniques that may be included in the polity's evolving conception of competent practice. Teachers and the general public, thus, have a shared responsibility to ensure that decisions about teaching competence are informed.

Finally, licensed professionals are obliged to provide fair access to the beneficial effects of the freedoms they are permitted to exercise. In granting a restricted freedom to professionals, a liberal society gives them a potentially significant power over their fellow citizens that is not subject to democratic control, a power that to be legitimate must be governed by a liberal society's commitment to facilitating all citizens' pursuit of their goods. Teaching practice, however, is subject to democratic control, and, therefore, the obligation for fair access to the benefits of competent teaching falls significantly upon the public as well as upon licensed practitioners. Thus, while the principle of access to teaching

may be similar to that for medicine -- that no one in need should be turned away -- the responsibility for meeting the requirement of that principle is shared by teachers and the public. The public can meet its part of this obligation by supporting sufficient numbers of teachers; teachers can meet their part of the obligation by the fair treatment of their own students.

The Case for and Nature of Teacher Autonomy: A Summary

Contemporary discussions of teaching almost without exception speak of the need for enhanced teacher autonomy. The freedom sought is not simply that of the ordinary citizen, important as that may be. It is, rather, a special sort of freedom in teaching for which some but not all citizens may qualify. In a society committed to facilitating its members' pursuit of their visions of the good no matter what they may be, the claim that some but not all citizens should enjoy a particular freedom must be carefully justified. I have argued that the freedom to teach the young to be their own persons may legitimately be restricted in such a society because it is, on the one hand, self-defeating and, on the other, risk-laden. Because it is self-defeating, this freedom may be restricted to those who hold the public offices of parent and schoolteacher.[17] Because this freedom is risk-laden (and for other specified reasons), those who are eligible to hold the office of schoolteacher may legitimately be limited to the qualified members of the licensed occupation of teaching.

The full professionalization of teaching the young either as a public office or a licensed practice is not, however, justified. An office or a practice is professionalized when the selection of

office holders or the making of licensing decisions is accomplished by the members of the profession themselves rather than by those who are directly or indirectly accountable to the citizens of a democratic polity. There is not, in the first place, a sufficient difference between what the public expects and what it has a right to expect (as there may be in law, for example) to justify professionalizing the selection of those who hold the office of schoolteacher. Nor is the knowledge base of teaching competence secure enough empirically, conceptually, or politically to justify the professionalization of teacher licensure. Indeed, professionalization of either selection or licensing is likely to stifle the public debate upon which the public's understanding of what it has a right to expect depends and which may one day lead to the conceptual clarity and political consensus necessary to justify professional licensure. At least for the immediate future, teaching the young to be their own persons is neither a public nor a licensed profession.

Thus a case can be made that those who teach the young moral independence deserve a degree of restricted autonomy although it is not the fully self-regulating autonomy of the professions. Like all forms of autonomy, the autonomy of teachers includes both freedom and responsibility. The basic freedom, of course, is that of instructing the young during the time after parents no longer have an exclusive right to do so and before all members of the general public have that right. The teacher's basic responsibility is that of liberal integrity, to carry out the morally legitimate purpose of their office--to develop children's

capacities to choose, hold, and pursue their own visions of the good. Liberal integrity requires teachers, first, to develop in children the characteristics, abilities, and understandings which the democratic polity has determined to be necessary for their moral independence and, second, to resist the polity's directives that cannot plausibly be construed as relevent to this central liberal purpose of education.

This formulation might seem to imply a clear division of moral labor for teachers and the polity they serve. The Carnegie Task Force on the Teaching Profession, for example, has proposed that boards of education should determine the specific student outcomes for which schools should strive and that teachers should, then, have the freedom to determine how best to achieve those outcomes.[18] This arrangement is an over-simplification of the public's and teachers' shared moral responsibilities for educating the young in two different ways. First, it provides no institutional mechanism whereby teachers can contest the public's prescription of morally illegitimate educational outcomes. Teachers do have a legitimate moral interest in the "what" of education and not only in the "how". And, second, this arrangement does not recognize the public's responsibility for determining the "how" of education.

As not only holders of public office, but also as members of a licensed occupation, teachers have a responsibility to practice competently. That responsibility lies, in part, in teachers' avoiding the gross forms of incompetence about which there is general social consensus. In addition, teachers are responsible

for adhering to the evolving standards of competence determined by political majorities as the public debate over the meaning of moral independence continues. That debate has implications, I have argued, for the meaning of both soundness and effectiveness in teaching. As a result, the democratic polity has a legitimate moral interest in defining the appropriate manner as well as the outcomes of teaching. The Carnegie Task Force's proposal for the division of labor between the public and teachers does not adequately address this interest.

Teachers also have an important role and responsibility in the public determination of competence in teaching. The definitions of soundness and effectiveness have empirical as well as conceptual and political dimensions. Teachers, through their experience and education, have access to the empirical knowledge necessary to the public's making informed decisions about competence. As a result, teachers have a responsibility to make that empirical knowledge available to the public just as the public has a responsibility to seek out and utilize that knowledge in their deliberations. Here, too, teachers and members of the democratic polity have mutual and interlocking responsibilities for informed decision-making.

Finally, teachers and the public have a shared responsibility for providing children with fair access to the opportunities to develop the capacities necessary to be their own persons. I have suggested that the public's part of this responsibility lies with providing an adequate quantity of and structured access to appropriate teaching. Teachers' role in meeting this

responsibility lies in the fair treatment of those students who have access to them.

Teacher autonomy in a liberal society consists, in sum, of the freedom to teach the young to be their own persons in accordance with the principles of integrity, competent practice, informed decision-making, and fair access. The ethical responsibilities implied by these principles are shared by teachers and the members of the democratic polity. In this light, the reform of teaching must be seen as the search for institutional arrangements most likely to ensure that these shared responsibilities are fulfilled. Teacher preparation institutions must, for example, achieve in their students an appropriate understanding of and commitment to teachers' legitimate responsibilities, screen teacher candidates for gross incompetence, enforce standards of competence that are sensitive to the polity's evolving conceptions of soundness and effectiveness in teaching, and prepare teachers for their role in enabling the polity to make informed decisions. School governance structures must permit teachers to respond to the public's evolving conception of moral independence, recognize teachers' responsibilities to resist the public's illiberal expectations for children's development, enable teachers to bring the most robust understanding of the effects of teaching on children's becoming their own persons to bear on the public's deliberations, and enforce the public's obligations for fair access to teaching.

Designing institutional arrangements to meet these requirements is no easy task, nor it is likely that the

arrangements suitable to today will be appropriate at any great distance in the future. For example, teachers' obligations to be responsive to the public suggest that bureaucratic procedures and regulations separating democratically accountable political authorities and teachers should be held to a minimum. Yet, those procedures and regulations can preserve teachers' responsibilities to resist illiberal public expectations. Thus, the quantity and kind of legitimate bureaucratic intervention must vary with the evolving degree and nature of the public's tendency to illiberality. I hope that this discussion of the nature and justification of teacher autonomy can help to place this and other complexities of teaching reform into an appropriate ethical and ideological context.

Notes

1. A presentation based on an earlier draft of this paper was made at the annual meeting of AERA in New Orleans in 1988.
2. Teacher autonomy is to a greater or lesser extent important in most of the recent reports on teaching but especially in The Holmes Group, Tomorrow's Teachers (East Lansing, Michigan: The Holmes Group, 1986) and Carnegie Task Force on Teaching as a Profession, A Nation Prepared: Schools for the 21st Century (New York: Carnegie Forum on Education and the Economy, 1986).
3. Leading examples of this recent work include John Rawls, A Theory of Justice (Cambridge, Mass.: Harvard University Press, 1971); Ronald Dworkin, Taking Rights Seriously

(Cambridge, Mass.: Harvard University Press, 1977); and Bruce Ackerman, Social Justice and the Liberal State (New Haven: Yale University Press, 1980).

4. This treatment of the basis of liberalism is adapted from Ronald Dworkin, "Liberalism," in Public and Private Morality, edited by Stuart Hampshire (Cambridge: Cambridge University Press, 1978), pp. 113-143.

5. Liberal theorists who have advanced various versions of this argument include Thomas Hobbes, Leviathan (New York: Bobbs-Merrill, 1958); John Locke, Two Treatises of Government, Revised Edition (New York: New American Library, 1965); and, more recently, Robert Nozick, Anarchy, State, and Utopia (New York: Basic Books, 1975).

6. This argument was formally presented by Paul Samuelson, "The Pure Theory of Public Expenditure," Review of Economics and Statistics 36(November 1954), pp. 387-390 and developed further by Mancur Olson, The Logic of Collective Action (Cambridge, Mass.: Harvard University Press, 1965).

7. I owe this phrase to Pat Stone.

8. Ronald Dworkin, Law's Empire (Cambridge, Mass.: Harvard University Press, 1986), particularly pp. 164-167.

9. This argument is similar to Bruce Ackerman's in Social Justice in the Liberal State, pp. 139-167.

10. Rawls, A Theory of Justice, p. 454.

11. For example, Carnegie Task Force on Teaching as a Profession, A Nation Prepared, pp. 63-78.

12. Compare this treatment to those of R.S. Peters, Ethics and

Education (London: Allen and Unwin, 1966), pp. 24-45 and Israel Scheffler, "Philosophical Models of Teaching" in Reason and Teaching (New York: Bobbs-Merrill, 1973), pp. 67-81.

13. Lee Shulman, "Those Who Understand: Knowledge Growth in Teaching," Educational Researcher 15:2 (February 1986), pp. 4-14.

14. Jere Brophy and Thomas Good, "Teacher Behavior and Student Achievement," Handbook of Research on Teaching, Third Edition, edited by M.C. Wittrock (New York: Macmillan, 1986), pp. 328-375.

15. For example, Lee Shulman, "Knowledge and Teaching: Foundations of the New Reform," Harvard Education Review 57:1 (February 1987), pp. 1-22 and David Berliner, "In Pursuit of the Expert Pedagogue," Educational Researcher 15:7 (August/September, 1986), pp. 5-13.

16. E.D. Hirsch, Jr., Cultural Literacy: What Every American Should Know (Boston, Houghton Mifflin, 1987).

17. This argument does not necessarily preclude the possibility of there being other legitimate freedoms in the teaching of adults, perhaps even restricted ones.

18. Carnegie Task Force on Teaching as a Profession, A Nation Prepared, pp. 57-63.